

SUPREME COURT FOR THE STATE OF NEW YORK
COUNTY OF QUEENS

SONYA GLOVER,

Index No.:

Plaintiff,

– against –

COMPLAINT

CITY OF NEW YORK and JOHN DOES 1-15,

Defendants.

Plaintiff Sonya Glover, by her attorneys, Mark A. Marino, PC, for her Complaint against Defendant City of New York and Defendant John Does 1-15, alleges as follows, upon personal knowledge and upon information and belief:

NATURE OF THE ACTION

1. The plaintiff, Sonya Glover, spent over twenty years as a police officer with the New York City Police Department (“NYPD”), after which she retired and opened a bar in Corona, New York.

2. The plaintiff, Sonya Glover, spent over twenty years as a police officer with the NYPD, after which she retired and began a career as a private investigator.

3. On September 28-29, 2012, approximately thirteen police officers from the NYPD’s 110th Precinct continued a pattern of retaliatory, unconstitutional conduct against Ms. Glover by consistently harassing her patrons, breaking up a lawful party, and raiding her bar without a warrant or any other justification.

4. NYPD police officers made personal derogatory remarks toward Ms. Glover, an African-American female with a tortured history with the NYPD’s 110th Precinct.

5. After the September 29, 2012 police raid, Plaintiff received nine bogus summonses.

6. The nine summonses were “split” between two officers – an improper and unconstitutional practice employed to help officers meet their monthly quotas.

7. Ms. Glover was taken to the precinct, fingerprinted, and taken to Central Booking for reasons completely unrelated to the baseless charges in an attempt to injure (and retaliate against) her in various ways.

8. During the course of her criminal defense, Ms. Glover gave a videotape to the Queens District Attorney’s Office evidencing the baseless nature of the claims/charges.

PLAINTIFF’S INJURIES

9. As a result of the incidents set forth in the Paragraphs above, and further detailed below, Ms. Glover sustained serious injuries, including, but not limited to, psychological injuries, severe emotional distress, lost past wages, lost future earnings, legal expenses, time in confinement, property damage, property loss, loss of freedom, and past and future medical expenses, among other things.

10. All of the injuries set forth in the Paragraph above, along with any additional injuries, are hereinafter referred to, collectively, as the “Injuries.”

JURISDICTION AND VENUE

11. This Court has jurisdiction over the parties pursuant to New York’s Civil Practice Law and Rules (“CPLR”) §301.

12. Venue in this County is proper pursuant to CPLR §504(3), as the incidents giving rise to this action occurred in this county.

13. Plaintiff Sonya Glover demands judgment against the defendants in an amount exceeding the jurisdiction of all lower courts.

PARTIES

14. Plaintiff Sonya Glover (“Plaintiff”) is, and was during the incidents giving rise to this action, a resident of the County of Queens, State of New York.

15. Defendant City of New York is, and was during the incidents giving rise to this action, a municipal corporation duly organized under, and existing by virtue of, the laws of the State of New York.

16. Defendant John Does 1-15, are, and were during the incidents giving rise to this action, employees of Defendant City of New York, the names of whom will become apparent (individually, “John Doe __,” and collectively, “John Does”).

17. Defendant John Does 1-13 are, and were during the incidents giving rise to this action, police officers and other police personnel with the NYPD, an agency of Defendant City of New York.

18. Defendant John Does 1-13 were, during the incidents giving rise to this action, acting within the scope of employment with the NYPD and thus Defendant City of New York.

19. Defendant John Does 1-13 were, during the incidents giving rise to this action, acting under color of state law.

20. Defendant John Does 1-13 are hereinafter referred to, collectively, as the “NYPD Defendants.”

21. Defendant John Does 14-15 were, at the time of the incidents giving rise to this action, assistant district attorneys.

22. Defendant John Does 14-15 were, during the incidents giving rise to this action, acting within the scope of employment with the Queens District Attorney's Office and thus Defendant City of New York.

23. Defendant John Does 14-15 were, during the incidents giving rise to this action, acting under color of state law.

24. Defendant John Does 14-15 are hereinafter referred to, collectively, as the "DA Defendants."

25. Defendant City of New York, the NYPD Defendants, and the DA Defendants are hereinafter referred to, collectively, as "Defendants."

PROCEDURAL REQUIREMENTS

26. Plaintiff has, thus far, complied with General Municipal Law Section 50 and all procedural requirements necessary to commence a lawsuit against Defendants, including Defendant City of New York.

27. This is an action for the Injuries sustained by Plaintiff as a result of civil rights violations, pursuant to federal law, along with various violations of New York state law, perpetrated by Defendants.

28. On or about October 17, 2012, within ninety days after the accrual of the instant action, a satisfactory Notice of Claim was filed with Defendant City of New York, or its agent(s), on behalf of Plaintiff.

29. On or about December 19, 2013, Plaintiff entered into a stipulation with Defendant City of New York, through the NYC Comptroller's Office, which allows Plaintiff to file this action without having previously appeared for a hearing pursuant to General Municipal Law Section 50 (the "Stipulation").

30. Defendant City of New York, and/or its agent(s), has refused or neglected to make any adjustment or payment on Plaintiff's claims (as stated in Plaintiff's Notice of Claim).

31. Plaintiff commences this action within one year and ninety days of the date of accrual of the instant action.

FACTUAL ALLEGATIONS

32. Plaintiff served as an NYPD police officer for twenty years.

33. Plaintiff is an African-American female.

34. The NYPD Defendants are all Caucasian males.

35. Plaintiff retired from the NYPD on April 2011.

36. Plaintiff has had strained relationship with the NYPD's 110th Precinct since 2010.

37. The incidents giving rise to this action were motivated by retaliation against Plaintiff.

38. It was Plaintiff's longtime dream to open a bar.

39. In February 2012, Plaintiff opened the Onyx Lounge (the "Bar").

40. The Bar is patronized largely by African-Americans.

41. The Bar is located in a predominantly white neighborhood.

42. The Bar had recurring problems with members of the NYPD's 110th Precinct, including harassing patrons and pulling cars over without cause, among other things.

43. Plaintiff was hosting a party for musicians and musical acts at the Bar on September 28-29, 2012 (the "Party").

44. At approximately 11:00 p.m. on September 28, 2012, one or more of the NYPD Defendants showed up at the Bar with the clear intention of frustrating the Party.

45. When Plaintiff thwarted that NYPD Defendant's intentions, he stated very clearly: "I'll be back."

46. Hours later, at approximately 1:30 a.m. on September 29, 2012, one of the NYPD Defendants made good on that promise to come back and brought the other twelve NYPD Defendants – officers from every sector in the 110th Precinct.

47. The NYPD Defendants claim(ed) to be responding to a radio call regarding alleged illegal activity inside the Bar.

48. The NYPD Defendants were responding to a radio call regarding alleged illegal activity inside the Bar based on a fabricated complaint known at the time by one or more of the NYPD Defendants to be a fabricated complaint.

49. The NYPD Defendants were not responding to a radio call regarding alleged illegal activity inside the Bar.

50. The NYPD Defendants were not responding to a radio call by an NYPD dispatcher regarding alleged illegal activity inside the Bar.

51. The NYPD Defendants pulled up in three marked cars, two unmarked cars, and one police van – every car in the precinct was there.

52. There were so many officers at the Bar that the dispatcher was calling for help in other sectors – asking the NYPD Defendants to respond to crimes – but got no response.

53. Right when the NYPD Defendants arrived at the scene, one of the NYPD Defendants (controlling the raid) stated clearly: "Where's that bitch?" That NYPD Defendant meant Plaintiff.

54. Plaintiff got in the doorway to stop the NYPD Defendants from entering, and one of the NYPD Defendants pushed Plaintiff out of the way and entered without a warrant or probable cause.

55. The NYPD Defendants rushed into the Bar.

56. One of the NYPD Defendants turned to the DJ and stated: “Turn off the fucking music.”

57. One of the NYPD Defendants turned to the patrons and stated: “The party’s over. Get the fuck out.”

58. One of the NYPD Defendants ripped Plaintiff’s liquor license off the wall.

59. One of the NYPD Defendants broke the door to the basement of the Bar.

60. The NYPD Defendants broke a table in the basement.

61. The NYPD Defendants took five thousand dollars (\$5000.00) from the basement.

62. Two of the NYPD Defendants issued Plaintiff a total of nine bogus summonses (the “Summonses”).

63. Plaintiff received one summons for permitting gambling in the Bar.

64. That charge is baseless, and there was no probable cause for it.

65. Plaintiff was placed under arrest for a closely-related offense.

66. Not only is that charge baseless and lacking probable cause, it was improper for that NYPD Defendant to arrest Plaintiff for something he had already ticketed her for – that is, charging Plaintiff twice for the same alleged crime.

67. One of the NYPD Defendants made sure to arrest Plaintiff for at least one count to affect her gun license.

68. One of the NYPD Defendants made sure to arrest Plaintiff to threaten her license as a private investigator.

69. NYPD police personnel are forbidden from issuing a summons and arresting someone for the same crime – that is, charging a person twice for the same alleged crime.

70. One of the NYPD Defendants issued five of the Summonses, while another NYPD Defendant issued four of the Summonses – a practice known as “splitting summonses.”

71. NYPD police personnel split summonses so they can meet their target numbers for the month. Interestingly, the Summonses were issued on the second-to-last day of the month, September 29, 2012.

72. The two NYPD Defendants split the Summonses so one or both of them could issue enough summonses before the end of September.

73. The NYPD Defendants did not have probable cause to issue Plaintiff any of the aforementioned Summonses.

74. The NYPD Defendants did not have probable cause to arrest Plaintiff.

75. Plaintiff was arrested at approximately 1:30 a.m.

76. Plaintiff was arraigned approximately fifteen hours later – at approximately 4:30 p.m.

77. The NYPD Defendants did not have consent from Plaintiff (or anyone else) to search the Bar.

78. The NYPD Defendants did not have any privilege to search the Bar.

79. The NYPD Defendants harassed Plaintiff in retaliation for her prior actions concerning the 110th Precinct, including, but not limited to, her prior lawsuit against police officers from that precinct.

80. The NYPD Defendants arrested Plaintiff in retaliation for her prior actions concerning the 110th Precinct, including, but not limited to, her status as a female.

81. The NYPD Defendants put Plaintiff through the system in retaliation for her prior actions concerning the 110th Precinct, including, but not limited to, her status as an African-American.

82. The NYPD Defendants took Plaintiff back the 110th Precinct, where she stayed for approximately six hours before going Central Booking, where she stayed for approximately nine hours before her arraignment.

83. Plaintiff lost steady business as a result of the scene created on September 29, 2012.

84. As of September 29, 2012, the Bar was consistently hosting parties for certain companies and earning approximately fifteen thousand dollars (\$15,000.00) per month.

85. As of September 29, 2012, and in spite of NYPD harassment, the Bar was gaining in popularity and generating more and more revenue.

86. The Bar's revenues fell precipitously after September 29, 2012.

87. Plaintiff closed the Bar in February 2013.

88. As a result of the arrest, Plaintiff lost her gun permit.

89. As a result of the arrest, Plaintiff's private investigator's license is in jeopardy.

90. The DA Defendants obtained a videotape from Plaintiff within ninety days of Plaintiff's arraignment.

91. The videotape clearly depicts a lack of probable cause for the Summonses and Plaintiff's arrest.

92. The DA Defendants did a special investigation of the case based on the videotape.

93. The DA Defendants continued to prosecute Plaintiff with this knowledge and the knowledge that the NYPD Defendants had no probable cause for some or all of the charges against Plaintiff.

94. The DA Defendants' actions towards Plaintiff were malicious.

95. Plaintiff reopened the Bar on December 13, 2013, for one day only, to hold a birthday party as a favor for a friend.

96. During the party, approximately six officers from the NYPD's 110th Precinct entered the Bar without a warrant or any justification. The dispatcher told the officers that too many of them were at the Bar.

97. The NYPD sergeant running the raid was an African-American female, which was not a coincidence.

98. Certain NYPD personnel at the 110th Precinct sent the officers to the Bar because they thought that they had already accomplished their goal to shut the Bar down.

99. During the raid, an NYPD police officer began grabbing patrons' drinks and putting them up to his nose to smell them.

100. During the raid, an NYPD police officer grabbed a patron's drink, and after the patron got upset, dumped the drink out on the bar.

101. This action falls within one or more of the exemptions set forth in CPLR §1602.

DEMAND FOR JURY TRIAL

102. Plaintiff demands a trial by jury.

FIRST CAUSE OF ACTION
VIOLATION OF 42 U.S.C. 1983 – ILLEGAL SEARCH AND SEIZURE
As Against the NYPD Defendants

103. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 102, inclusive, as though fully set forth herein.

104. Under the Fourth and Fourteenth Amendments of the Constitution of the United States of America and 42 U.S.C. 1983, Plaintiff has the right to be free from unreasonable and illegal searches and seizures.

105. The NYPD Defendants did not have a warrant to search the Bar.

106. The NYPD Defendants did not have probable cause to search the Bar.

107. The NYPD Defendants violated Plaintiff's rights when they intentionally removed items from the walls and broke the door to the basement, and took five thousand dollars, among other things.

108. The NYPD Defendants' actions caused Plaintiff to sustain the Injuries.

109. The NYPD Defendants took the aforementioned actions against Plaintiff during the course, and within the scope, of employment with the NYPD and Defendant City of New York.

110. The NYPD Defendants were acting under color of state law at all times during the incidents giving rise to this action.

111. The actions taken by the NYPD Defendants against Plaintiff were willful, wanton, reckless, and/or malicious, and therefore entitle Plaintiff to punitive damages in an amount to be determined at trial.

SECOND CAUSE OF ACTION
VIOLATION OF 42 U.S.C. 1983 – FAILURE TO INTERVENE
As Against the NYPD Defendants

112. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 111, inclusive, as though fully set forth herein.

113. Under the Constitution of the United States of America and 42 U.S.C. 1983, police officers have an affirmative duty to protect the constitutional rights of citizens by intervening when other police officers commit constitutional violations in their presence.

114. One or more of the NYPD Defendants violated Plaintiff's constitutional rights when, in his/her/their presence, one or more of the remaining NYPD Defendants illegally searched the Bar without a warrant or other justification, yet did not intervene to protect Plaintiff.

115. The NYPD Defendants' actions caused Plaintiff to sustain the Injuries.

116. The NYPD Defendants took the aforementioned actions against Plaintiff during the course, and within the scope, of employment with Defendant City of New York.

117. The actions taken by the NYPD Defendants were willful, reckless, and/or malicious, and therefore entitles Plaintiff to punitive damages to be determined at trial.

THIRD CAUSE OF ACTION
CONVERSION
As Against Defendant City of New York and the NYPD Defendants

118. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 117, inclusive, as though fully set forth herein

119. On September 29, 2012, Plaintiff had ownership of the Bar's walls and basement door and five thousand dollars, among other things.

120. The NYPD Defendants violated Plaintiff's rights when they intentionally removed items and broke the basement door, and took five thousand dollars, among other things.

121. The NYPD Defendants' actions caused Plaintiff to sustain the Injuries.

122. The NYPD Defendants took the aforementioned actions against Plaintiff during the course, and within the scope, of employment with Defendant City of New York.

123. The NYPD Defendants were acting under color of state law.

124. The actions taken by the NYPD Defendants against Plaintiff were willful, wanton, reckless, and/or malicious, and therefore entitle Plaintiff to punitive damages in an amount to be determined at trial.

FOURTH CAUSE OF ACTION
TRESPASS

As Against Defendant City of New York and the NYPD Defendants

125. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 124, inclusive, as though fully set forth herein.

126. On September 29, 2012, the NYPD Defendants intentionally entered the Bar without authority, justification, or permission.

127. The NYPD Defendants continued their presence inside the Bar without authority, justification, or permission.

128. The NYPD Defendants' actions caused Plaintiff to sustain the Injuries.

129. The NYPD Defendants took the aforementioned actions against Plaintiff during the course, and within the scope, of employment with Defendant City of New York.

130. The actions taken by the NYPD Defendants against Plaintiff were willful, wanton, reckless, and/or malicious, and therefore entitles Plaintiff to punitive damages in an amount to be determined at trial.

FIFTH CAUSE OF ACTION
NEGLIGENT HIRING, TRAINING, SUPERVISION, AND RETENTION
As Against Defendant City of New York

131. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 130, inclusive, as though fully set forth herein.

132. Defendant City of New York has, and had at the time of the incidents giving rise to this action, a duty to adequately screen candidates for employment to ensure their competency.

133. Defendant City of New York has, and had at the time of the incidents giving rise to this action, a duty to adequately train its employees to ensure their competency.

134. Defendant City of New York has, and had at the time of the incidents giving rise to this action, a duty to adequately supervise its employees to ensure their competency.

135. Defendant City of New York has, and had at the time of the incidents giving rise to this action, a duty to train and supervise its employees, including Defendants, to refrain from entering a licensed premises under false pretenses.

136. Defendant City of New York has, and had at the time of the incidents giving rise to this action, a duty to train and supervise its employees, including Defendants, to refrain from retaliating against individuals disliked by the NYPD.

137. Defendant City of New York breached its aforementioned duties.

138. The NYPD Defendants' actions caused Plaintiff to sustain the Injuries.

139. Defendant City of New York is liable for the acts of its agents/employees, including Defendants, taken against Plaintiff during the course, and within the scope, of employment by Defendant City of New York under the doctrine of *respondeat superior*.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks judgment in his favor and against Defendants for the following relief:

- a. compensatory damages as against Defendants, jointly and severally, in an amount to be determined at trial;
- b. punitive damages as against Defendants, jointly and severally, in an amount to be determined at trial;
- c. attorney's fees incurred during this action, pursuant to state law and 42 U.S.C. 1988(b), the determination of which lies within the sound discretion of this Court;
- d. costs incurred during this action, pursuant to state law and 42 U.S.C. 1988(b), the determination of which lies within the sound discretion of this Court;
- e. expert fees incurred during this action, pursuant to state law and 42 U.S.C. 1988(c), the determination of which lies within the sound discretion of this Court;
- f. all statutory interest on any sums awarded to Plaintiff; and
- g. such other and further relief as the Court deems proper and fair.

Dated: New York, New York
December 20, 2013

Respectfully yours,

MARK A. MARINO, PC



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